

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CR-00094-RJC-SCR

USA

v.

JOHN LYNN LATTAKER

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines relating to status points. (Doc. No. 87).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Here, the Court determined the defendant had twenty-six criminal history points, two of which were status points. (Doc. No. 30: Presentence Report (PSR) ¶¶ 71-73). The Amendment does not lower his applicable guideline range because he remains in Criminal History Category VI with twenty-five points. (Doc. No. 85: Supplement to PSR at 2). Accordingly, he is not eligible for relief. USSG §1B1.10(a)(2)(B).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: September 11, 2024



Robert J. Conrad, Jr.
United States District Judge

